

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

IN RE:

RICHARD FLOYD WILLCUTT JR
BOBBI THOMPSON WILLCUTT
DEBTORS.

CASE NO: 09-71843-CMS13
CHAPTER 13

TRUSTEE'S MOTION TO DISMISS AND NOTICE OF HEARING

Comes now C. David Cottingham, Standing Trustee, in the above styled case and moves to dismiss this case and in support thereof represents to the Court as follows:

XX The Debtors' payments are not current, resulting in a material default in plan payments pursuant to 11 U.S.C. 1307 (c)(6).

_____ The Debtors' Plan is no longer feasible.

_____ The Debtors' payments are insufficient to pay case within the time allowed by law.

_____ The Trustee has received notice that the Debtors are deceased.

WHEREFORE, the Trustee moves that this case be **DISMISSED**.

This the 26th day of August, 2010.

/s/ C. David Cottingham
C. David Cottingham, Standing Trustee

NOTICE OF HEARING

Notice is hereby given that a hearing on the above styled motion will be held on Tuesday the 19th day of October, 2010, at 9:00 a.m. in the US BANKRUPTCY COURT, FEDERAL COURT HOUSE, 1118 GREENSBORO AVENUE, TUSCALOOSA, AL 35401- .

Certificate of Service

A copy of the foregoing Motion has been filed with the Court. I hereby certify that I have served a copy of the foregoing Motion on the Debtors and Debtors' Attorney by mailing a copy of the same with adequate postage thereon or by electronic means when available:

This the 26th day of August, 2010.

/s/ C. David Cottingham
C. David Cottingham, Standing Trustee